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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/695,603

10/28/2003

Michael J. Chambers

M.CHAMBERS 3-2

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08/01/2006

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EXAMINER

HOLLIDAY, JAIME MICHELE

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/695,603	CHAMBERS ET AL.	
	Examiner	Art Unit	
	Jaime M. Holliday	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Response to Arguments

1. Applicant's arguments with respect to **claims 1-21** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1-6, 8, 11, 12, 14-18 and 21** rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Simon (U.S. Patent # 6,974,078 B1)**.

Consider **claim 1**, Ogasawara clearly shows and discloses an electronic shopping system facilitates purchase transactions via a wireless videophone, reading on the claimed "system for using a mobile telephone to retrieve information about an article provided by a first distributor," (abstract), comprising:

wireless videophone **218** provided with a digital camera **236** used to scan the images of bar codes of purchased items, reading on the claimed "a camera, associated with said mobile telephone, that records an image of at least a portion of said article," (figure 14, column 3 lines 13-14, column 18 lines 15-16); and

remote server **26**, which receives bar code data from the customer's wireless telephone **18**, searches a database and obtains a description and price for the item scanned, then the item description and price is then transmitted to the customer's wireless telephone, reading on the claimed "database, remote from said mobile telephone, that interprets said image to identify said article and supplies information about said article to said mobile telephone based thereon," (column 6 lines 46-51).

However, Ogasawara fails to specifically disclose that the server searches more than one database from two different distributors.

In the same field of endeavor, Simon clearly shows and discloses a communication system including a personal communication device (PCD) capable of interfacing with multiple databases to obtain product related information. The communication device includes an input mechanism, such as a bar code scanner or an optical character recognition (OCR) reader, for entering product information such as product codes or names from the product labels, reading on the claimed "system for using a mobile telephone to retrieve information about an article provided by a first distributor; that records an image of at least a portion of said article; database, remote from said mobile telephone, that interprets said image to identify said article and supplies information about said article to said mobile telephone based thereon," (col. 1 lines 45-56). The product identifier is used by the server to search various databases over the Internet for desired product-related information in response to a search inquiry from a user. The user may desire to obtain competitive pricing information from multiple merchant databases/websites for the particular product. The communication server responds to the search query by sending the product related information to the PCD, and displaying at least a portion of the product related information on the PCD, reading on the claimed "database, remote from said mobile telephone and synchronized with at least another database associated with a second distributor of said article, wherein said database

interprets said image to identify said article and, based thereon, supplies information about said article from said database and said another database to said mobile telephone based thereon,” (col. 1 line 61- col. 2 line 1, lines 21-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have multiple databases to perform competitive pricing, as taught by Simon in the system of Ogasawara, in order to provide product information to customers.

Consider **claim 2**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Ogasawara further discloses a commercial telephone network **14** that facilitates connection of a store server **10** to a wireless telephone via a cellular telephone network **17**, to which the conventional telephone network is in communication, typically via a wire connection **16**. Alternatively, the remote server, reading on the claimed “database,” communicates with the wired telephone network, via a wire connection **28**. The wire connection may alternatively comprise fiber optic, radio, or other communication means, reading on the claimed “coded data is received from said mobile telephone via a direct radio link,” (column 5 lines 10-14, 21-25).

Consider **claim 3**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Simon further discloses that the user may desire to obtain competitive pricing information from multiple merchant databases/websites for the particular product.

The communication server responds to the search query by sending the product related information to the PCD, and displaying at least a portion of the product related information on the PCD, reading on the claimed "said information includes a price of said article from said first distributor and said second distributor," (col. 1 line 61- col. 2 line 1, lines 21-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have multiple databases to perform competitive pricing, as taught by Simon in the system of Ogasawara, in order to provide product information to customers.

Consider **claim 4**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Ogasawara further discloses a remote server, which receives bar code data from the customer's wireless telephone, searches a database and obtains a description and price for the item scanned, reading on the claimed "image contains coded data and said coded data is decoded in a server associated with said database," (column 6 lines 46-51).

Consider **claim 5**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Ogasawara further discloses a calling a server with a wireless telephone so as to initiate communication between the wireless telephone and the server, and once connection between the wireless telephone and the server is established, a purchase transaction program is downloaded from the server into the wireless

telephone, reading on the claimed "mobile telephone contains software that defines a structure corresponding to said database," (column 12 lines 13-15, 24-26).

Consider **claim 6**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Ogasawara further discloses that the wireless videophone is perfectly capable of capturing digital videographic information, such as a bar code pattern or a graphics image pattern, reading on the claimed "coded data is contained in a barcode," (column 18 lines 27-30).

Consider **claim 8**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 1 above**, and in addition, Ogasawara further discloses that the remote server receives bar code data from the customer's wireless telephone, searches a database, obtains a description and price for the item scanned, and then transmits the price to the customer's wireless telephone, and is preferably displayed upon the display, reading on the claimed "information comprises price information and said information is transmitted to said telephone via a selected one of MMS and email," (column 6 lines 45-51).

Consider **claim 11**, Ogasawara clearly shows and discloses a method for performing purchase transactions via a wireless videophone, reading on the claimed "method of using a mobile telephone to retrieve information about an article," (abstract), comprising:

scanning, with a wireless videophone provided with a digital camera, images of bar codes of purchased items, reading on the claimed "recording an image of at least a portion of said article with a camera associated with said mobile telephone," (figure 14, column 3 lines 13-14, column 18 lines 15-16); and transmitting, from a remote server, which receives bar code data from the customer's wireless telephone then searches a database and obtains a description and price for the item scanned, the item description and price to the customer's wireless telephone, reading on the claimed "interpreting said image to identify said article, and supplying information about said article to said mobile telephone," (column 6 lines 46-51).

However, Ogasawara fails to specifically disclose that the server searches multiple databases from multiple distributors.

In the same field of endeavor, Simon clearly shows and discloses a communication system including a personal communication device (PCD) capable of interfacing with multiple databases to obtain product related information. The communication device includes an input mechanism, such as a bar code scanner or an optical character recognition (OCR) reader, for entering product information such as product codes or names from the product labels. The product identifier is used by the server to search various databases over the Internet for desired product-related information in response to a search inquiry from a user. The communication server responds to the search query by sending the product related information to the PCD, and displaying at least a

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portion of the product related information on the PCD, reading on the claimed "supplying information about said article to said mobile telephone, said information from multiple distributors of said article," (col. 1 lines 45-56, line 61-col. 2 line 1, lines 21-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have multiple databases to perform competitive pricing, as taught by Simon in the system of Ogasawara, in order to provide product information to customers.

Consider **claim 12**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses a commercial telephone network that facilitates connection of a store server to a wireless telephone via a cellular telephone network, to which the conventional telephone network is in communication, typically via a wire connection. Alternatively, the remote server, reading on the claimed "database," communicates with the wired telephone network, via a wire connection. The wire connection may alternatively comprise fiber optic, radio, or other communication means, reading on the claimed "coded data is received from said mobile telephone via a direct radio link," (column 5 lines 10-14, 21-25).

Consider **claim 14**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses a remote server, which receives bar code data from the customer's wireless telephone, searches a database and obtains a

description and price for the item scanned, reading on the claimed "image contains coded data and said coded data is decoded in a server associated with said database," (column 6 lines 46-51).

Consider **claim 15**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses a calling a server with a wireless telephone so as to initiate communication between the wireless telephone and the server, and once connection between the wireless telephone and the server is established, a purchase transaction program is downloaded from the server into the wireless telephone, reading on the claimed "mobile telephone contains software that defines a structure corresponding to said database," (column 12 lines 13-15, 24-26).

Consider **claim 16**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses that the wireless videophone is perfectly capable of capturing digital videographic information, such as a bar code pattern or a graphics image pattern, reading on the claimed "coded data is contained in a barcode," (column 18 lines 27-30).

Consider **claim 17**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses that item description and price is transmitted, from the server, to the customer's wireless telephone and is preferably displayed upon

the display thereof, reading on the claimed "providing, with said mobile telephone, said information to a user visually," (column 6 lines 49-51).

Consider **claim 18**, Ogasawara, as modified by Simon, clearly show and disclose the claimed invention **as applied to claim 11 above**, and in addition, Ogasawara further discloses that the remote server receives bar code data from the customer's wireless telephone, searches a database, obtains a description and price for the item scanned, and then transmits the price to the customer's wireless telephone, and is preferably displayed upon the display, reading on the claimed "information comprises price information and said information is transmitted to said telephone via a selected one of MMS and email," (column 6 lines 45-51).

Simon further discloses that the user may desire to obtain competitive pricing information from multiple merchant databases/websites for the particular product. The communication server responds to the search query by sending the product related information to the PCD, and displaying at least a portion of the product related information on the PCD, reading on the claimed "information comprises price information of said article from said multiple distributors," (col. 1 line 61- col. 2 line 1, lines 21-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have multiple databases to perform competitive pricing, as taught by Simon in the system of Ogasawara, in order to provide product information to customers.

Consider **claim 21**, Ogasawara clearly shows and discloses a videophone, reading on the claimed "mobile telephone," (column 18 line 15), comprising:

a digital camera, reading on the claimed "camera," (column 18 line 16);
a tailored purchase transaction program that might include character recognition and/or pattern recognition, as well as bar code decode, reading on the claimed "software that receives an image of at least a portion of an article from said camera, interprets said image to identify said article and queues data based thereon for transmission to a database remote from said mobile telephone," (column 18 lines 17-19); and

a display wherein the item description and price transmitted from a remote server to a customer's wireless telephone is displayed, reading on the claimed "display that receives and displays information about said article from said database," (column 6 lines 46-52).

However, Ogasawara fails to specifically disclose that the server searches multiple databases from multiple distributors.

In the same field of endeavor, Simon clearly shows and discloses a communication system including a personal communication device (PCD) capable of interfacing with multiple databases to obtain product related information. The communication device includes an input mechanism, such as a bar code scanner or an optical character recognition (OCR) reader, for entering product information such as product codes or names from the product labels.

The product identifier is used by the server to search various databases over the Internet for desired product-related information in response to a search inquiry from a user. The communication server responds to the search query by sending the product related information to the PCD, and displaying at least a portion of the product related information on the PCD, reading on the claimed "display that receives and displays information about said article from multiple databases, including said database, associated with multiple distributors of said article" (col. 1 lines 45-56, line 61- col. 2 line 1, lines 21-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have multiple database to perform competitive pricing, as taught by Simon in the system of Ogasawara, in order to provide product information to customers.

6. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Simon (U.S. Patent # 6,974,078 B1)**, in further view of **Marggraff et al. (U.S. Patent # 6,750,978 B1)**.

Consider **claim 7**, and **as applied to claim 1 above**, Ogasawara, as modified by Simon, clearly shows and discloses the claimed invention except that the product information is provided acoustically.

In the same field of endeavor, Marggraff et al. clearly show and disclose a system to provide auxiliary information to a user, conveniently and efficiently. The system comprises a print media receiving unit and an information server

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computer adapted to perform a task after receiving the information relating to a position of a selected portion of a print medium. A user places a magazine on the print media receiving unit, and touches the stylus to, e.g., an advertisement for a theater show in the magazine, electronics in the print media receiving unit will identify the print item selected by the user. The selected information can be sent to an information source such as an information database and sends it to the user. The sent information may be in the form of a sound file. After the print media receiving unit receives the data transmitted from the information server computer, a speaker in the print media receiving unit audibly recites the days certain tickets are available and their price, reading on the claimed "acoustically provides said information to a user," (col. 2 lines 25-43, col. 23 lines 56- col. 24 line 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to audibly recite information, as taught by Marggraff et al. in the system of Ogasawara, in order to auxiliary information to a user, conveniently and efficiently.

7. **Claims 9 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Simon (U.S. Patent # 6,974,078 B1)**, in further view of **Rehbein et al. (Pub # US 2005/0017453 A1)**.

Consider **claim 9**, and **as applied to claim 8 above**, Ogasawara, as modified by Simon, clearly shows and discloses the claimed invention except the price is transmitted in at least two currencies.

In the same field of endeavor, Rehbein et al. discloses an electronic device, preferably a handheld digital device that has a computer portion and a screen, that is capable of displaying a computer application that allows two parties to perform a transaction without the use of spoken word. The handheld device can be a cellular phone **168**, reading on the claimed "mobile telephone," (abstract, paragraph 0003 and paragraph 0011). The electronic device may be adapted to allow a second party to enter a monetary amount **202**, reading on the claimed "price information," into the device corresponding to a second party currency. The device can be further configured to allow the first party to convert the entered second monetary amount **203** into an amount corresponding to a first party currency, reading on the claimed "database contains said price information in at least two different currencies," (paragraph 0023, figure 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide at least two different currencies to be displayed on an electronic device (Rehbein et al.; figure 21), as taught by Rehbein et al. as another use for the system of Ogasawara, as modified by Simon, of the item description and price retrieved from the remote server.

Consider **claim 19**, and **as applied to claim 18 above**, Ogasawara, as modified by Simon, clearly shows and discloses the claimed invention except the price is transmitted in at least two currencies.

In the same field of endeavor, Rehbein et al. discloses an electronic device, preferably a handheld digital device that has a computer portion and a screen, that is capable of displaying a computer application that allows two parties to perform a transaction without the use of spoken word. The handheld device can be a cellular phone, reading on the claimed "mobile telephone," (abstract, paragraph 0003 and paragraph 0011). The electronic device (mobile telephone) may be adapted to allow a second party to enter a monetary amount, reading on the claimed "price information," into the device corresponding to a second party currency. The device can be further configured to allow the first party to convert the entered second monetary amount into an amount corresponding to a first party currency, reading on the claimed "database contains said price information in at least two different currencies," (paragraph 0023, figure 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide at least two different currencies to be displayed on an electronic device (Rehbein et al.; figure 21), as taught by Rehbein et al. as another use for the method of Ogasawara, as modified by Simon, of the item description and price retrieved from the remote server.

8. **Claims 10 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Ogasawara (U.S. Patent # 6,512,919 B2)** and **Simon (U.S. Patent # 6,974,078 B1)** in view of **Swartz et al. (Pub # US 2005/0040230)**, and in further view of **Lev et al. (Pub # US 2002/0102966 A1)**.

Consider **claim 10**, and **as applied to claim 1 above**, Ogasawara, as modified by Simon, clearly shows and discloses the claimed invention except that information from bar code data from different purchases can be stored in the memory of the wireless videophone.

In the same field of endeavor, Swartz presents an invention that relates to a consumer interactive shopping and a marketing system. This system includes a portable data terminal with a video display **72** used to present data by retrieving associated data files stored at remote addresses by employing a wireless communication network, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract and paragraph 0005). In an embodiment of the invention, customers can access lists of previously purchased items, reading on the claimed "information from a plurality of articles," on the portable terminals. The portable terminal may be able to access a list of previously items form its memory, reading on the claimed "memory in said mobile telephone stores data pertaining to a plurality of articles," (paragraph 0211).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention to store information from multiple purchase

transactions in a portable data terminal as taught by Swartz et al. in the system of Ogasawara, as modified by Simon, in order to provide better service to the consumer.

The combination of Ogasawara and Simon, as modified by Swartz et al. as discussed above shows the limitations claimed, except they do not specifically disclose that the images are in video sequence.

In the same field of endeavor, Lev et al. clearly show and disclose in their object identification method for wireless portable devices that the imaging device is a device capable of capturing single or multiple images or video streams and converting them to digital information, reading on the claimed "image is a video sequence," (paragraph 0097).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not only use a single image, but also a video stream of the image as taught by Lev et al. in the system of Ogasawara and Simon, as modified by Swartz et al., in order to successfully capture the barcode to transmit to a remote server.

Consider **claim 20**, and as **applied to claim 11 above**, Ogasawara, as modified by Simon, clearly shows and discloses the claimed invention except that information from bar code data from different purchases can be stored in the memory of the wireless videophone.

In the same field of endeavor, Swartz presents an invention that relates to a consumer interactive shopping and a marketing system. This system includes

a portable data terminal with a video display used to present data by retrieving associated data files stored at remote addresses by employing a wireless communication network, reading on the claimed "method of using a mobile telephone to retrieve information about an article," (abstract and paragraph 0005). In an embodiment of the invention, customers can access lists of previously purchased items, reading on the claimed "information from a plurality of articles," on the portable terminals. The portable terminal may be able to access a list of previously items form its memory, reading on the claimed "storing, in a memory in said mobile telephone, data pertaining to a plurality of articles," (paragraph 0211).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention to store information from multiple purchase transactions in a portable data terminal as taught by Swartz et al. in the system of Ogasawara, as modified by Simon, in order to provide better service to the consumer.

The combination of Ogasawara and Simon, as modified by Swartz et al. as discussed above shows the limitations claimed, except they do not specifically disclose that the images are in video sequence.

In the same field of endeavor, Lev et al. clearly show and disclose in their object identification method for wireless portable devices that the imaging device is a device capable of capturing single or multiple images or video streams and

converting them to digital information, reading on the claimed "image is a video sequence," (paragraph 0097).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not only use a single image, but also a video stream of the image as taught by Lev et al. in the method of Ogasawara and Simon, as modified by Swartz et al., in order to successfully capture the barcode to transmit to a remote server.

9. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Simon (U.S. Patent # 6,974,078 B1)**, in further view of **Lev et al. (Pub # US 2002/0102966 A1)**.

Consider **claim 13**, and **as applied to claim 12 above**, Ogasawara, as modified by Simon, clearly shows and discloses the claimed invention except that the wireless network has to conform to a particular standard.

In the same field of endeavor, Lev et al. clearly show and disclose an object identification method for wireless portable devices for a user equipped with a portable wireless imaging device to obtain information related to the imaged objects, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract, figure 1 and figure 2). Once the image is acquired, it is transmitted through any wireless/wire line combination of data transmission paths to a remote server, reading on the claimed "database." The remote server could be far apart or a few meters away from the imaging device

and connected to it by a WLAN such as Bluetooth, reading on the claimed "direct radio link conforms to a standard selected from the group consisting of:

Bluetooth, WLAN, and HomeRF/SWAP," (paragraph 0061).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a standard wireless connection such as Bluetooth or WLAN as taught by Lev et al. in the method of Ogasawara, as modified by Simon, in order to provide optimal communication between the wireless videophone and remote server.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP§706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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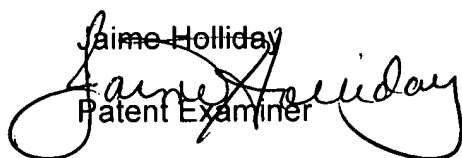
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571) 272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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